



UNITED STATES DEPARTMENT OF COMMERCE
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| SERIAL NUMBER | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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08/227,999 04/15/94 NILSEN

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RATLIF EXAMINER

B5M1/0209

OLE K. NILSEN
CAESARA DRIVE
BARRINGTON, IL 60010

ART UNIT PAPER NUMBER

11

2502

DATE MAILED: 02/09/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 4/15/94 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 22-37 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☒ Claims 1-21 have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 22, 23, 25-28 and 31-37 are rejected.

5. ☒ Claims 24 and 29 are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

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EXAMINER'S ACTION

Art Unit: 2502

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 22, 23, 25 and 26 are rejected under 35 U.S.C. § 103 as being unpatentable over Stevens.

Stevens shows in figure 1: a "source" functional to provide an AC voltage between first and second source terminals (12a and 12b), capacitor means connected with the second source terminal 19, and gas discharge lamp means 11. It should be noted that the recited connections ~~are~~^{are} not indicated as being direct and are therefore readable on the depicted connections in the Stevens reference. It should be noted that the limitations of claims 23, 25, and 26 are inherent characteristics of most high frequency inverter ballast including that of Stevens.

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Claims 27, 28 and 30-37 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103 as obvious over Stevens.

Stevens shows all of the structural features as recited in these claims but does not explicitly teach the limitations drawn to the magnitude and duration of the segments of the AC voltage waveform found in the functional constituent of these claims. However in the absense of in distinguishing structure and because Stevens teaches that the output of the inverter is an AC voltage square wave (see column 3 lines 58-65) these limitations are most probably inherent. But as this cannot be determined by the examiner the burden of proof that it is not inherently possessed by the reference device is shifted to the applicant. See In re Fitzgerald et al 205 USPQ 594.

With regard to claim 31 it would be obvious to make the sub-circuits integral as it has been held that forming into one peice an article previously formed in two peices involves only routine skill in the art.

It should be noted that to use the recited circuit in an edison type lamp socket would be obvious as it is a notoriously old design expedient.

Finally the limitations of claims 34-37 would be obvious as the recitations are drawn to a mere rearranging of the ess-

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ential working parts of the well known gas discharge lamp; such rearrangement has been held to involve only routine skill in the art.

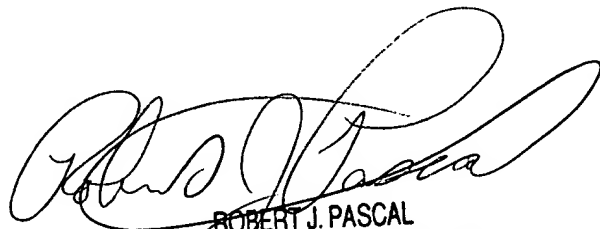
Claim 24 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald A. Ratliff whose telephone number is (703) 4904.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 0956.

rr

February 4, 1995



ROBERT J. PASCAL
SUPERVISORY PATENT EXAMINER
GROUP 2500